

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

BIS ADVANCED SOFTWARE SYSTEMS, LTD.,

Plaintiff,

v.

RED BEND SOFTWARE, INC., RED BEND,
LTD., TIME WARNER INC.,
ICQ, INC., INSTALLSHIELD SOFTWARE
CORP.,
and
SCANSOFT, INC.

Defendants.

Civil Action No. 04cv11960 (RWZ)

[PROPOSED] THIRD AMENDED SCHEDULING ORDER

Pursuant to Rule 16(b) of the Federal Rules of Civil Procedure and Local Rule 16.1, a Scheduling Conference was held on January 27, 2005. On August 5, 2005 Plaintiff's sought to amend the scheduling order and submitted a proposed order to the Court. On August 19, 2005, Defendants submitted this Proposed Second Amended Scheduling Order. On December 1, 2005, Plaintiff moved to dismiss its claims as well as Defendants' counterclaims. On January 3, 2006, Defendants moved to stay all scheduling order deadlines pending resolution of Plaintiff's motion to dismiss. This Court ruled on Plaintiff's motion to dismiss, denying the motion to the extent it extended to Defendants' invalidity counterclaims. At the same time, this Court denied the motion to stay scheduling order deadlines as moot. For good cause shown,

It is hereby ORDERED

1. Fact discovery shall be completed by September 1, 2006;

2. Disclosures under Rule 26(a)(2) will be made according to the following schedule:
 - a. Expert reports for which the serving party has the burden of proof shall be exchanged by August 4, 2006; and
 - b. Expert reports for which the serving party does not have the burden of proof shall be exchanged by October 2, 2006;
3. Expert discovery shall be completed by November 10, 2006;
4. The discovery event limitations set forth Local Rule 26.1(C) shall apply;
5. Plaintiff shall identify the claims in issue, and then the parties shall meet and confer to identify any claim terms in dispute by no later than October 2, 2006;
6. All summary judgment and *Daubert* motions shall be filed by December 8, 2006;
7. Plaintiff's *Markman* brief shall be filed by December 8, 2006;
8. All briefs in opposition to summary judgment and *Daubert* motions shall be filed by January 12, 2007;
9. Defendants' *Markman* brief shall be filed by January 12, 2007;
10. Any reply briefs on summary judgment and *Daubert* motions as well as Plaintiff's reply on *Markman*, if any, shall be filed by January 26, 2007. Reply briefs shall be no longer than five pages.
11. A hearing on any *Daubert* motions and on *Markman* is set for

_____ at _____.

Rya W. Zobel
United States District Judge